CORONAVIRUS SANTA CLARA COUNTY

UPDATE: Santa Clara County approves fines for not wearing masks, flouting health order

by **Lorraine Gabbert**

AUGUST 11, 2020

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In this file photo, customers observe social distancing and wear face masks while wait in front of Bicycle Express. Photo by Tran Nguyen.

Santa Clara County will begin issuing fines of up to $500 for not wearing face masks or social distancing in public, the Board of Supervisors decided unanimously Tuesday.

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In an attempt to control the spread of COVID-19 and mitigate its impact, the board adopted an urgency ordinance issuing citations against residents and businesses for violating health code regulations, including not wearing a mask outdoors. The new ordinance will go into effect immediately.

"I'm supporting this because we have something in place we can use now," said Santa Clara County Supervisor Mike Wasserman. "We have so many closed businesses and people out of school and unemployed and headed towards bankruptcy. We can't afford the time to sit down with various groups and negotiate."

While county officials for months relied on the "honor system" to enforce the rules, officials said the message was not resonating and violations to the county health order ran rampant. County Executive Jeff Smith warned on Tuesday the state will take negative financial action toward counties that don't actively enforce local and statewide ordinances.

"We have to come up with an enforcement mechanism in order to avoid losing revenue," Smith said.

Several Bay Area counties, including San Mateo and Contra Costa counties, have adopted similar policies to issue fines on health order violators.

Santa Clara County's measure was proposed after an increase in the number of COVID-19 violations, officials said, including failure to wear face coverings and social distancing. County public health leaders say those violations resulted in a recent spike of COVID-19 cases and deaths.

Businesses will also be cited for failing to follow health guidelines under the ordinance.

"Anyone who thinks we don't need more aggressive action should look at the chart showing just how many tests we are or aren't getting," Supervisor Joe Simitian said Tuesday. "Lives are at stake."

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As the county last month began loosening its shelter-in-place orders and reopened some businesses, it reported an increase of COVID-19 cases to 10,767 from 7,537 from July 13 to Aug. 2. There have been 12,962 cases, 207 deaths and 180 hospitalizations as of Tuesday, according to Santa Clara County Public Health.

County officials say some businesses are not reporting positive COVID-19 cases, hampering the county's ability to conduct contact tracing. A San José Spotlight report this week revealed more than two dozen businesses have been accused of forcing employees to return to work, despite shelter-in-place orders, ignoring employees who showed symptoms and hiding unsafe work conditions.

"There have been numerous instances of businesses failing to timely report positive cases in their workplaces which undermines the county's ability to effectively carry out contact tracing," according to a staff report.

An East San Jose resident named Veronica said many businesses near her are not in compliance with public health orders and asked who to contact. She was told to call the District Attorney's COVID-19 tipline.

The county also received reports of several large healthcare facilities refusing to provide tests to people at elevated risk of contracting COVID-19, or who have been exposed, officials said. County leaders said the success of the shelter-in-place orders rely on effective enforcement.

Hospital leaders Tuesday expressed concerns about keeping up with testing, especially as supplies run low.

"We're working in good faith to stop this pandemic," said Elizabeth Vilardo, CEO of Palo Alto Medical Foundation. "But we're hampered by a shortage of testing material and the variable sensitivity of tests."

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Cindy Chavez, president of the Santa Clara County board of supervisors, said her office has been trying to move health and hospital systems in the county in a positive direction for months.

“The partnership we need from 11 hospitals has to be done in a much more urgent, orchestrated, way,” Chavez said. “This says the board is serious about testing countywide.”

Multiple scientific studies have confirmed that social distancing, facial coverings, robust testing and rapid contact tracing are effective at curbing the spread of the virus.

Under the measure, violators could be fined $25 to $500 and businesses could face penalties ranging from $250 to $5,000. The fine amount will depend on the severity of the violation, the gravity of the public health risk exposed and repeat offenses, among other considerations.

Unlike enforcement policies in other Bay Area counties, Santa Clara County lawmakers are proposing a grace period of up to 72 hours that allows an individual to avoid facing fines — subject to the discretion of the enforcement officer — if the violation is corrected. Resisters could be charged with a misdemeanor and fined up to $1,000.

“It is the intent of this provision to provide a grace period as the default whenever applicable,” the resolution says, “however, all matters relating to grace periods are within the sole discretion of the Enforcement Officer and are not appealable.”

Much of the onus to enforce the county health order, including the mandatory face mask requirement, fell on businesses and residents. County leaders had recommended reporting COVID-19 workplace violations to the Office of Labor Standards Enforcement and other violations to the District Attorney’s Office.

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Face coverings have become a hotly debated political issue, even in Silicon Valley, with some refusing or forgetting to wear masks.

Supervisor Dave Cortese in July described enforcing the rules somewhat of an "honor" system, hoping people would be peer-pressured into doing the right thing.

The county said the fines will fund compliance education and the cost of the Public Health Order Enforcement Program.

Contact Lorraine Gabbert at lorrainegabbertsjspotlight@gmail.com.

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Comments (65)

SJ Kulak
AUG 11, 2020 AT 8:14AM

So landlords cant collect rent in return for a month of housing, but the county can extract 500 bucks for not obeying?

REPLY

George Gordon
AUG 11, 2020 AT 4:30PM

Yes.

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REPLY

SJ Kulak
AUG 11, 2020 AT 10:01PM

Your mother must be so proud at your skill of skipping out on your obligations. All that time and effort she must of put in and all you turned out to be is a freeloading authoritarian. Nice.

REPLY

Gentile Gentleman
AUG 12, 2020 AT 12:13AM

When tyranny becomes law resistance becomes duty.

REPLY

DickOz
AUG 12, 2020 AT 5:56PM

Your statement is absolutely the truth. I wish more people would seek the truth and act on it.

REPLY

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hoapres
AUG 11, 2020 AT 8:26AM

Good Luck with that. I won't be wearing a mask in public.

REPLY

Hey HOEpres
AUG 11, 2020 AT 11:41AM

How selfish.
Please stay far away from me and those I care about.

REPLY

Transparency and Accountability are Needed in San Jose
AUG 11, 2020 AT 9:29PM

Don't feed the trolls. It's like feeding a mogwai (Gizmo – Gremlins) after midnight – makes them worse. The troll is Hoapres.

REPLY

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SJ Kulak
AUG 11, 2020 AT 10:02PM

hey, what about me?

REPLY

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hoapres
AUG 11, 2020 AT 10:47PM

I don't force myself on anyone. If you don't like someone not wearing a mask then just avoid him.

REPLY

Gentile Gentleman
AUG 12, 2020 AT 12:15AM

We have the freedom not to wear masks and you have the freedom to stay away from us if you wish but your choices require your own effort and not the forced effort of others.

REPLY

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steve78

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AUG 11, 2020 AT 11:57AM

That's good. Not wearing a mask helps us identify who the selfish and idiotic people are. Keep doing what you're doing so we know who to avoid!

REPLY

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marni
AUG 11, 2020 AT 6:21PM

good one good point

REPLY

DickOz
AUG 12, 2020 AT 5:59PM

No, not wearing a mask means that we are rational individuals and not sheeple, aiming to please the politburo.

REPLY

YourMom
AUG 11, 2020 AT 1:50PM

Then you will pay the price. You don't have the right to spread a possible fatal illness to others.

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REPLY

hoapres
AUG 11, 2020 AT 10:43PM

I won't be paying the fine.

REPLY

Shana
AUG 11, 2020 AT 3:16PM

Nice to know you care about people.

REPLY

Mike
AUG 11, 2020 AT 11:27PM

Hey Herpes cover them up man

REPLY

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Gentile Gentleman

AUG 12, 2020 AT 12:14AM

Good for you. The more of us who resist the less they can do to us.

REPLY

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hoapres

AUG 11, 2020 AT 10:47AM

Real problems

No solutions

Democratic run cities

VERSUS

Real Problems

Real Solutions

Republican run cities

REPLY

George Gordon

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AUG 11, 2020 AT 4:31PM

Could you please let us know what grade of the ganja you're smokin'?

REPLY

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marni
AUG 11, 2020 AT 6:22PM

yes nailed it

REPLY

Libertarian
AUG 11, 2020 AT 12:12PM

Life, liberty, and the pursuit of happiness. Unless you don't obey our every fiat. Then we'll fine you. And if you refuse, we'll take it. And if we cannot take it, we'll take your freedom.

The Party knows best. Do not question The Party.

"These organisations (ie Fascism and social democracy) are not antipodes, they are twins." -Stalin

Politics is a circle – the more you move left or right the closer you come to the other side's methodologies.

REPLY

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Maria Martinez
AUG 11, 2020 AT 12:24PM

Wow!!!!, pienso que el condado debería de buscar mejores alternativas, porque en este momento de crisis en donde las familias no tienen dinero ni para comprar comida, para pagar los billes ni la renta y ahora poner este obstáculo mas en sus finanzas..... Que frustacion!!!!

REPLY

George Gordon
AUG 11, 2020 AT 4:37PM

Es facil. Protege la salud publica y usar su mascara. Salve su dinero para comer.

REPLY

SJ Kulak
AUG 12, 2020 AT 9:45PM

correcto Sra. Martinez!

REPLY

Shana

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AUG 11, 2020 AT 3:22PM

Good Lord I've never heard so much whining in my life. I know....'Its HAAARRRD to wear a mask...wearing mask gives me tummy ache!' We're in a FRICKING PANDEMIC! TAKE PRIDE IN HELPING YOUR FELLOW AMERICANS!

REPLY

Patty

AUG 13, 2020 AT 5:30PM

I'm right there with you Shana!!! How selfish of some of these people. It's sad. I thought we are a smart bunch. Well some of us are. Shame on the rest of you.

REPLY

James Holden

AUG 11, 2020 AT 4:45PM

This is so immature. What are your ages anti-mask people?

REPLY

SJ Kulak

AUG 11, 2020 AT 10:04PM

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What ages are you people who think its okay for another man to pay your way? Your father not up to the task?

REPLY

Jim Junnonson
AUG 11, 2020 AT 8:06PM

COVID-1984

REPLY

Anna Marie
AUG 11, 2020 AT 8:52PM

Yet another fine that will impact low income communities.

REPLY

Transparency and Accountability are Needed in San Jose
AUG 11, 2020 AT 9:27PM

Why will it impact low income communities? Are you assuming low-income community members don't have access to a mask, or informed on COVID-19? It's not a conspiracy.

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REPLY

Transparency and Accountability are Needed in San Jose

AUG 11, 2020 AT 9:25PM

They County can generate a lot of revenue from this effort – because a lot of people do not care. I just hope they do not ask the police to enforce – because that will be just another thing they have to do that will result in them being accused of being abusive.

REPLY

hoapres

AUG 11, 2020 AT 10:45PM

The police aren't going to waste their time on this. They have enough problems.

REPLY

Save the soul

AUG 11, 2020 AT 9:39PM

Explain to me again the reason for the mask...was it not intended for when we could not socially distance? Ok, if I'm distanced with nobody around, why must I where a mask? It is a simple question with no logical answer. Quit with the I'm selfish...I've complied, I am farther than 6 feet from another soul.

REPLY

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hoapres
AUG 11, 2020 AT 10:48PM

First it was face masks. Then it was GPS monitors. Then it was concentration camps, etc.

You can figure out the rest.

REPLY

hoapres
AUG 11, 2020 AT 10:51PM

People Die.

Get over it.

We should have never shut the country down in the first place.

REPLY

Steven Goldstein
AUG 11, 2020 AT 11:39PM

Simply put,

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You WANT COVID to go away.

To achieve it you need the R NOT score to be at least only .5, meaning it takes 2 people to infect one new infection and sustain it until there are no new infections and people acquire immunity or die. Donald Trump described one way to fully eliminate the COVID problem, locking up international travel, locking up interstate travel, locking up inter county travel until the virus runs its course on the infected and no more infections are hapening. This has to be done long enough to “burn” COVID” “out”.

BUT without the full cooperation of these people, that will NEVER happen. Without at least 2 months of REAL lock down Thais cannot be achieved

You are just prolonging the pain by being self-righteous and saying, I have my rights to do as I please.

Several countries did this, and they did achieve a viral burnout. But we are too arrogant to understand it.

REPLY

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hoapres
AUG 12, 2020 AT 12:19AM

People Die

Get over it

The people checking out dead from the Virus were people that were going to be dead in short order. Old and unhealthy people die. They really do.

None of this stopping the virus is going to work. All you did was delayed the number of cases curve a couple of months. Big Deal. The total death total from the Virus isn’t going to change much. If we had done nothing in the first place then the Virus would be winding down by now.

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REPLY

My_Opinion

AUG 11, 2020 AT 11:52PM

Let me see if I understand this.

If I commit a crime, arrested, the officer takes me to county jail, I sign a few forms, and I don't have to pay bail to get out of jail.

If I go outside of my home to water the lawn, no one is around me, I can get fined big money by the county.

If I commit a crime while not wearing a mask, arrested, taken to county jail, sign a few forms, pay no bail, then walk out with the arresting officer, I get off free, right?

REPLY

Steven Goldstein

AUG 12, 2020 AT 12:14AM

You made a false claim.

You are allowed to be on your property because it is not public space, YOU KNOW THIS. You will not be interfered with.

The fines are involving being in a public space, but your lawn isn't public land.

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So the general rule is from what I understand if you stay farther than 6 feet in public, you can be without a mask. But if your in a place where you are closer than 6 feet you are required to wear a mask.

YOU SHOULD KNOW THIS.

I personally wish that if you violate the mask rule you get quarantined until you are tested and proven COVID clean instead of a fine. This is part of the CDC COVID response powers that I discovered with some research

It is so frustrating to deal with people that really don't understand the situation.

REPLY

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hoapres
AUG 12, 2020 AT 12:22AM

Tough Luck.

I walk in public and don't wear a mask. Good Luck in trying to make me wear one. I had one of these keyboard social justice warrior types complaining to me about it and got a pretty blunt response to the effect with me saying, You want to roll with me right now partner and see how far you can get.

This whole face mask is a joke. Assuming that face masks were going to work then you needed to do it back in March if not earlier. Trying to enforce face masks after 4+ months of the Virus is crazy. It's too late for that.

REPLY

Steven Goldstein

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AUG 12, 2020 AT 12:30AM

Your logic:

If it is late then lets not do it at all.

If you are not following best practices from the beginning then you refuse to admit a mistake and say “so what”.

This is another example of “American” arrogance. We make mistakes and instead of correcting ourselves, we “double down” and say to other, “just suck it up”

REMEMBER there was a SHORTAGE of masks and they were REQUIRED to be delivered to MEDICAL and FIRST RESPONSE personnel.

I think with this attitude, let the entire American population die, and good riddance, the rest of the world will be better off. I guess the American people are a hopeless cause.

REPLY

HOAPRES IS AN IDIOT

AUG 12, 2020 AT 1:57AM

I doubt you’re old, but you are obviously unhealthy. But don’t you worry. Should something happen to you, we will get over it.

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hoapres
AUG 12, 2020 AT 7:56AM

People Die.

Get over it.

Life moves on.

The mistake was shutting the country down in the first place.

Freddiep
AUG 12, 2020 AT 6:46AM

Stop THE rising CASES Lies!!!~ .....!ANY thing now To generate More MONEY FOR a Broke in the red County Stop this, ...wear a mask in stores around people if you are by your self or with family on a walk ?? Get over yourselves and the power control !!!! RECALL THIS GOV

REPLY

Sharon Slayton
AUG 12, 2020 AT 8:29AM

Unbelievable ignorance and virtue flagging among the sheep. Class action lawsuit time, folks. Wonder how the child trafficking and corruption audits are going in SCC. My guess is, not good.

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REPLY

Rocky Balboa
AUG 12, 2020 AT 9:48AM

If masks are so effective, why are we releasing criminals from prison to protect them from getting covid? Just give the criminals a cheap mask & keep them in prison.

REPLY

Steven Goldstein
AUG 12, 2020 AT 3:52PM

Rocky Balboa you said:

"If masks are so effective, why are we releasing criminals from prison to protect them from getting covid? Just give the criminals a cheap mask & keep them in prison."

There are more dimensions you cannot consider

First, if the buildings air supply is sufficiently contaminated with COVID, masks will not be enough. Since the U.S. Constitution prohibits cruel and unusual punishment, subjecting prisoners to potentially a fatal disease is simply not allowed.

Second, these facilities are closed to protect the law enforcement and support staff of the prisons too. You cannot expect those not being criminal to be subjected to the same risk as the prisoners. Believe it or not, this is the real objective, to minimize risks put on non-prisoners that work in these facilities.

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What you are doing is simply distracting from the real problem, that people like yourself want the freedom to increase the risk of getting COVID not only to yourself, but countless others.

I still believe that we need to go through a 3 month complete shutdown, with secured services and supplies to be provided to the people. This would reduce the R NOT score of COVID way below 1 which could burn it out in this country. But it requires a complete lock down of international, interstate, and inter county travel for at least 3 month. Tracking EVERY persons interactions so that they are exposed to the minimum sharing so that those infected either overcome the disease or die and then become not contagious.

WE are simply incapable to act the way we need to deal with this problem. If we did this in April, we might have been able to start normalizing right now.

But that did not happen.

REPLY

Ann
AUG 13, 2020 AT 12:58PM

Amen brother!

REPLY

James
AUG 12, 2020 AT 4:38PM

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Since California will be loosing federal Money they will collect it from Honest People minding their own business which will further increase the amount of poor and homeless after they take all your money!!!

REPLY

Lori

AUG 12, 2020 AT 4:40PM

Does this mean we can't leave our home and walk our dog without a mask

REPLY

Steven Goldstein

AUG 13, 2020 AT 8:56PM

It means if you stay farther than 6 feet away from others you CAN be without a mask.

BUT, if you know you are going someplace where you will be in close proximity to others on the public space, you are required to wear a mask.

It has been written in so many articles and on the web in so many places. Why can't you see this information?

REPLY

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John Krakar
AUG 12, 2020 AT 5:07PM

So it would be OK for me to drive drunk or the wrong way on the freeway If I wanted to ?

REPLY

San Jose resident
AUG 12, 2020 AT 9:47PM

Santa Clara County is FUBR.

REPLY

Steven Goldstein
AUG 13, 2020 AT 8:59PM

WE ARE ALL FUBAR and in SNAFU.

And unless we take this really seriously there is no way out either

REPLY

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Jack
AUG 13, 2020 AT 3:07PM

Perhaps they should issue the enforcers uniforms. Might I suggest khaki pants, brown shirts, high black boots, and a nice red armband with the state seal in the center. They will look awfully sharp as they are hunting down violators

REPLY

Steven Goldstein
AUG 13, 2020 AT 9:05PM

Given that violator can be determined to be threat to themselves or others, these people can be involuntarily detained under mental health criteria.

I believe we should detain them until they are tested as not infected nor a carrier.

This is not fascism, this is a standard public health rule, all states have it.

So if you want to violate the rule, you should expect to be held in PROTECTED CUSTODY.

This is NOT ARREST, and there is no ARRAIGNMENT, thus your constitutional rights are not violated.

This is how Typhoid Mary was treated because she spread Typhoid. COVID MARYS' and COVID MARKS' should really be alerted they are subject to the same rules under public health.

REPLY

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Carol

AUG 13, 2020 AT 3:46PM

So where is all this money for fines going to??? Is it going to be like the lottery money and go in someone's pocket??? That money was supposed to go to the schools and look they ended up closing most of the schools down for lack of money . I call bs . The State just wants more money in their pocket again.

REPLY

SJRes

AUG 13, 2020 AT 6:32PM

"It is the intent of this provision to provide a grace period as the default whenever applicable..."

Once again the career politicians on the Board of Supervisors led by Cindy Chavez show they have no spine. The Board is too concerned with their political careers resulting in ineffective policies to avoid offending anyone. We need new leaders who will do whatever it takes to protect the health of residents and get Silicon Valley back in business.

REPLY

Freedom

AUG 16, 2020 AT 7:20PM

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To people arguing that it's selfish to not wear a mask then Why isn't there a mandate for people to wear condoms when they have sex? I mean you can contract and give out a fatal virus like ummm HIV and also suffer other long term STDs.

REPLY

Steven Goldstein
AUG 18, 2020 AT 1:45AM

Big difference.

Airborne diseases are not transmitted by explicit consensual acts. As long as people having sex is consensual, the people agree to share their "bodily" fluids by choice. Of course there are Rapes

Don't get me wrong, I do believe that no one should have unprotected sex unless they are wanting to have a child. But this process could be made safer by making sure the 2 people are not infected by any STD before the attempt.

But an airborne virus is spread by just being in proximity or in shared air environments. Are you saying that if a person goes to the grocery store they consent to being infected? This argument on its face is simply absurd. In fact you could argue tat not wearing a mask would be equal to being raped because you are putting other lives at risk without their consent.

You are arguing that the people who want to go about their necessary actions be not provided any protection from other carrying COVID.. Your freedom is to assault others by infecting them against their wills? People like yourself are a danger to yourself and others

I am surprised that anyone like you are not put in protected custody and quarantine until you have been proven not to be infected or a carrier. Oh yes, we don't have the testing ability to do it.

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Too bad, i think anyone going out without a mask is a public danger. True FREEDOM means to live at the least risk possible to any harm to an individual. But you are trying to make it more risky You aren't even promoting freedom, you are promoting increased risk of disease. You aren't making any sense.

REPLY

Leave a Reply

Connect with:

Secured by OneAll Social Login

Your email address will not be published.

Comment

Your name *

Your email *

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☐ Save my name, email, and website in this browser for the next time I comment.

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